

REMARKS

Claim 12 has been rejected by the Examiner under 35 USC 102(e) as being anticipated by Usui et al., U.S. Patent 5,831,651. This rejection is respectfully traversed.

The Examiner has rejected claim 12 for the reason set forth in paragraph 3 of the Examiner's Office Action. However, it should be recognized by the Examiner that the ink channel, the ink supply passage and the ink reservoir are clearly distinct elements. The ink channel in the Usui et al. patent is defined by elements 28, 38, 40 and 52, while the ink supply passage is defined by elements 36, 34 and 50 (in particular element 50 is referred to as an ink supply channel in the Usui et al. patent).

Also, element 14 is labeled as a channel plate by the Usui et al. patent and it defines a part of the ink channel 52. The fact that the element 14 also contains part of the ink supply passage (element 50) is by means a justification to label it as a base plate. Thus, it is the Applicants' position that it is not possible nor reasonable for one skilled in the art to identify a base plate with an ink reservoir in the Usui et al. device.

In any event, although the Applicants believe that claim 12 is patentably distinguishable over the Usui et al. reference, with the view of expediting prosecution of the present application, the Applicants, with reluctance, have cancelled

claim 12 from the present application thereby placing the present application containing claims 1, 3, 5, 6 and 8-11 into condition for allowance. Accordingly, an early notice of allowance is respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Joseph A. Kolasch, #22,463

JAK/njp
0142-0309P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000